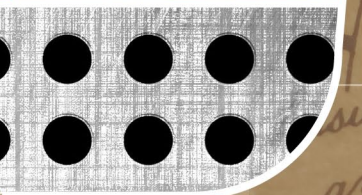


TWO-THOUSAND AND NINE

2009 ANNUAL REPORT NORTH DAKOTA COURT SYSTEM

"A fair and impartial court system is a cornerstone of our form of government, and it is no secret that the strength of the court relies on the respect of the people."

– North Dakota Chief Justice Gerald W. VandeWalle



...and
nd
...sure domestic Tranquility, provide for the common a
and our Posterity, do ordain and establish this Consti
...ion 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist
...atives
... House of Representatives shall be composed of Members chosen every second Year by the People of the
... Representatives who shall not have attained to the Age of twenty five Years, and been seven
... Inhabitant of that State in which he shall be chosen.
... be apportioned among the several States which may be included within
... the whole Number of free Persons, including three Years after the
... Enumeration shall be made within three Years after the
... not as they shall by Law direct. The Number
... tive, and until such Enumeration shall
... the Carolina five, and
... Authority shall ha



TWO-THOUSAND AND NINE

MISSION STATEMENT

TO PROVIDE THE PEOPLE,
THROUGH AN INDEPENDENT
JUDICIARY, EQUAL ACCESS
TO FAIR AND TIMELY
RESOLUTION OF DISPUTES
UNDER LAW

Message from Chief Justice Gerald W. Vandewalle

As Chief Justice, the administrative head of the North Dakota Judicial System, I optimistically submitted an ambitious agenda for the Legislative Assembly to consider. The needs presented ranged from a new case management system for the trial courts to a method of studying and addressing the issue of racial and ethnic fairness in the courts. Not every request was approved but the Legislature did appropriate funds to permit significant progress in areas that enable the Court to better serve the people of North Dakota.

The process of replacing the Court's aging court management system began with an evaluation of the existing system in 2007. In 2008, a vendor with a proven track record of providing a reliable case management system was selected. In 2009, the Legislature approved our budget request and we moved into the implementation phase. The new system went live in the two pilot sites of Cass and Traill counties in October. Plans to implement the system statewide by 2011 are in place and moving forward.

In the area of family law, a bill championed by the Family Law Section of the State Bar Association was passed that changed the terminology and approach to parenting issues in divorce and custody cases. As a result, we implemented a Parenting Coordinator program to assist parents in resolving issues in high-conflict cases. The Family Mediation Program, which was implemented last year in two judicial districts, is considered successful and it was expanded to three additional districts in 2009.

The Legislature approved our request for funding of a task force on racial and ethnic fairness. The task force has been established and work has begun. The findings and recommendations of the task force will help secure equal access and justice for all North Dakota citizens, including our first citizens, the Native Americans, as well as those new residents from other ethnic backgrounds who have come to our state seeking a better life and the equality our form of government promises.

In our continuing efforts to confront drug and alcohol use among juveniles, a drug court was added in Devils Lake in 2009. The first-ever Upper Midwest Drug Court Professionals Conference was held for both juvenile and adult drug court teams. The individuals working in these problem-solving courts provide a direct service to North Dakotans. These courts are successful because of strong partnerships with state agencies, private providers, and non-profit organizations.

Other information in this report gives an account of the Court's efforts to maximize judicial resources through effective case management practices and by measuring performance through data collection and analysis. It details our efforts to educate citizens about the judicial system through public outreach activities, as well as our program to address the future needs of the court through systematic review and planning.

In sum, this report highlights our efforts to continue to provide access to justice for all individuals, while maintaining accountability, service, and fiscally sound policies and procedures.

I offer the 2009 Annual Report for your consideration.



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61st Legislative Session Brings Changes

The 61st Legislative Session in 2009 resulted in a number of changes for the North Dakota Judicial System ranging from a new case management system to a task force to address racial and ethnic fairness within the courts.

NEW DISTRICT COURT CASE MANAGEMENT SYSTEM AND ELECTRONIC FILING

The implementation of a new district court case management system, Odyssey, began in 2009 with the Legislature appropriating the necessary funds for the project. The new system went live in Cass and Traill Counties in October and will be rolled out to the remaining counties in 2010 and early 2011. The initial pilot began a two-year process of converting all district courts and the municipal courts using the old case management system to Odyssey. Odyssey also incorporates electronic filing and document management.

Odyssey will make it possible to transmit notices and orders electronically. Once the system is fully implemented, the plan is that every file in the state will be available to every judge in the state at all times, electronic filing of court documents over the Internet will be the norm, documents still received in paper (by pro se individuals for example) will be scanned into Odyssey, and people will be able to pay traffic tickets, fines, and court fees over the Internet or over the phone, using an automated system that is being installed along with Odyssey.

PARENTING ACT

During the 2007-2009 biennium the State Bar Association's Task Force on Family Law worked very closely with the Interim Committee on Judicial Process to identify best practices for handling divorce cases involving children. The result of that study was introduced as a bill and passed by the Legislature with minimal changes. There are three components to the Parenting Act that are the most significant. Those three changes are: new terminology; the introduction of parenting plans; and a new parenting coordinator program.

Terminology—The terms “custodial parent” and “noncustodial parent” were replaced with more parent-friendly terms such as “primary residential responsibility” and “parenting time.” The change in terminology is not just “window-dressing” but a more fundamental change as these terms do not carry the negative connotations of former terms such as custody and visitation, and more accurately describe what occurs when a couple divorces.

Parenting Plans—A parenting plan is now required for all divorce cases involving children. These plans are designed to eliminate future conflict by spelling out the rights and responsibilities of each parent. The plans include how to address issues that arise when parenting a child. By emphasizing the specifics for the future, the plans are designed to shift the focus of the litigants from the mindset of “I’m divorcing” into a post-separation mindset that reflects the reality of parenting from separate homes.

Parenting Coordinator Program—Finally, the bill established a parenting coordinator program. A parenting coordinator is a neutral individual authorized to use any dispute resolution process to resolve parenting time disputes. The purpose of a parenting coordinator is to resolve parenting time disputes by interpreting, clarifying, and addressing circumstances not specifically addressed by an existing court order. A parenting coordinator rule, policies, procedures, and protocol for the parenting coordinator program were developed. Training for parenting coordinators was held in September, with 47 participants. A roster of Parenting Coordinators is available on the North Dakota Supreme Court website.

FAMILY LAW MEDIATION PROGRAM

After a one-year pilot in the South Central and Northeast Central Judicial Districts, funding to expand the Family Law Mediation Program was approved. The initial evaluation of the program's effectiveness has allowed it to expand into three more districts: The Southwest, Northeast and Northwest. The purpose of the program is to minimize family conflicts, encourage shared

decision-making, and support healthy relationships and communication among family members by addressing parenting responsibility disputes through mediation.

TASK FORCE ON RACIAL AND ETHNIC FAIRNESS

According to Chief Justice Gerald VandeWalle, bias cannot be tolerated in any governmental branch or institution, and it is particularly harmful in the courts, to which the public rightly looks to for fairness and neutrality. To be certain that the North Dakota court system is meeting the needs of all who come before it, the Legislature was asked to fund a task force on racial and ethnic fairness. The Legislature appropriated the funds and the Commission to Study Racial and Ethnic Bias in the Courts began its work in Fall 2009. The commission is tasked with a number of responsibilities including the following:

- Identify areas in which there is a perception of unfairness based on race, ethnicity or minority status.
- If perceptions of unfairness are discovered, consider whether the processes, procedures, or attitudes within the judicial system contribute to these perceptions.
- Review judicial system process, procedures, rules, and policies to determine whether their operation or application may contribute to an actual or perceived bias.
- Gather and review information concerning the courtroom treatment of litigants, witnesses, and attorneys to determine whether there is disparate treatment based on race, ethnicity, or minority status.
- Review hiring and general employment practices to determine whether the judicial system is viewed as a welcoming environment for minority applicants.
- Review various case types to determine whether race, ethnicity or minority status was a factor in the disposition of cases.

The Commission has a two-year time line to complete a study and issue a final report.

JUDGESHIPS

The Legislature approved two new judgeships in the last session, increasing the number of district court judges from 42 to 44. One of the judgeships is located in the Northwest Judicial District, chambered in Minot, and the other in the Southeast Judicial District, chambered in Jamestown. The new judges were appointed by Gov. John Hoeven and took office Jan. 1, 2010. Court statistics for the year ending 2008 showed a statewide shortage of 9.27 judges.





North Dakota Supreme Court
One Chief Justice & Four Justices: 10-year terms

District Court
Seven Judicial Districts/42 Judges: Six-year terms

Municipal Court
73 Judges: Four-year terms

The North Dakota Supreme Court is the highest court for the State of North Dakota. It has two major types of responsibilities: 1) adjudicative and 2) administrative. It is primarily an appellate court with jurisdiction to hear appeals from decisions of the district courts. The Court also has original jurisdiction authority and can issue such original and remedial writs as are necessary. In its administrative capacity, the Court is responsible for ensuring the efficient and effective operation of all non-federal courts in the state, maintaining high standards of judicial conduct, supervising the legal profession and promulgating procedural rules.

District Court is the state trial court of general jurisdiction. Among the types of cases it hears are civil, criminal, domestic relations, small claims, and probate. District Courts also serve as the Juvenile Courts in the state with original jurisdiction over any minor who is alleged to be unruly, delinquent, or deprived. In some districts, judicial referees have been appointed to preside over juvenile, judgment enforcement, and domestic relations proceedings, other than contested divorces. District Courts are also the appellate courts of first instance for appeals from the decisions of many administrative agencies and for criminal convictions in Municipal Courts.

Municipal Courts have jurisdiction over all violations of municipal ordinances, except certain violations involving juveniles. In cities with a population of 5,000 or more, the municipal judge is required to be a licensed attorney. Trials in municipal court are before the judge without a jury. State law permits an individual to serve more than one city as a municipal judge.

TWO-THOUSAND AND NINE

Supreme Court Section



North Dakota Supreme Court

The North Dakota Supreme Court has five Justices. Each Justice is elected for a ten-year term in a nonpartisan election. The terms of the Justices are staggered so that only one judgeship is scheduled for election every two years. However, in the case of the retirement or death of a Justice during the term of office, the Governor can appoint to fill the term for two years, when the person must then run for election.

Each Justice must be a licensed attorney and a citizen of the United States and North Dakota.

One member of the Supreme Court is selected as Chief Justice by the Justices of the Supreme Court and the District Court Judges. The Chief Justice's term is for five years or until the Justice's elected term on the court expires. The Chief Justice's duties include presiding over Supreme Court arguments and conferences, representing the judiciary at official state functions, and serving as the administrative head of the judicial system.

A detailed overview of the court system can be found at www.ndcourts.gov/court/brochure.htm.



North Dakota Supreme Court - (left to right) Justice Dale V. Sandstrom, Justice Carol Ronning Kapsner, Chief Justice Gerald VandeWalle, Justice Daniel J. Crothers, and Justice Mary Muehlen Maring. Biographical information on the Justices is located at www.ndcourts.gov/Court/COURT.htm

2009 Supreme Court Caseload Highlights

- Increases in appeals from cases involving contracts, civil commitment of sexual predators, malpractice, personal injury and post-conviction relief accounted for an increase in civil caseload, and the overall caseload of the Supreme Court.
- Appeals in family related cases continue to generate a significant portion of the civil caseload, 22%, which is a decrease over last year. Appeals in cases involving administrative agencies continued to be 11% of the civil caseload.
- Appeals of drug related offenses and driving under the influence accounted for at least 34% of the criminal caseload.
- In 20% of the cases, at least one party was self-represented. A 6% increase over last year.
- Oral arguments were scheduled in 220 cases, with approximately 16% of those arguments being waived by either the parties or the Court and submitted on the briefs and the record.
- The Justices each authored an average of 44 majority opinions, with another 58 separate concurrences and/or dissents written. A significant amount of the Justices' time was also spent considering rule amendments and judicial chambering and vacancy issues.
- The most appeals originated from the South Central Judicial District, followed by the Northwest, East Central, Northeast Central, Southeast, Northeast, and Southwest Districts.
- There were 652 motions filed in 2009, with 39% being e-filed. The Clerk acted on 43% of the motions under North Dakota Supreme Court Administrative Rule 5 and as delegated by the Chief Justice.
- <http://www.ndcourts.gov/rules/Administrative/frameset.htm>
Of the 573 briefs filed in 2009, 50% were electronically filed; and of the 319 appendices filed, 51% were electronically filed under North Dakota Supreme Court Administrative Order 14.
<http://www.ndcourts.gov/rules/Administrative/frameset.htm>
- No appeals were transferred to the Court of Appeals in 2009.

| Caseload Synopsis of the Supreme Court For the 2009 and 2008 Calendar Years | | | |
|---|------|------|--------------------|
| | 2009 | 2008 | Percent Difference |
| New Filings | 368 | 342 | 7.60 |
| Civil | 248 | 213 | 16.43 |
| Criminal | 120 | 129 | -6.98 |
| Transferred to Court of Appeals | 0 | 0 | 0 |
| Civil | 0 | 0 | 0 |
| Criminal | 0 | 0 | 0 |
| Filings Carried Over From Previous Calendar Year | 185 | 209 | -11.48 |
| Total Cases Docketed | 553 | 551 | .36 |
| Dispositions | 359 | 366* | -1.91 |
| Civil | 229 | 237 | -3.38 |
| Criminal | 130 | 129 | .78 |
| Cases Pending as of December 31 | 194 | 185* | 4.86 |

*Underreported in the 2008 Annual Report

| Case Dispositions - 2009 | | |
|--------------------------------------|-------|----------|
| | Civil | Criminal |
| BY OPINION: | | |
| Affirmed; Affirmed & Modified | 71 | 39 |
| Reversed; Reversed & Remanded; | | |
| Reversed in Part & Remanded; | | |
| Reversed with Instructions | 27 | 13 |
| Affirmed in Part & Reversed in Part; | | |
| Affirmed in Part & Dismissed in Part | 9 | 0 |
| Affirmed by Summary Disposition | 37 | 34 |
| Reversed by Summary Disposition | 1 | 0 |
| Order/Judgment Vacated, Remanded | 1 | 0 |
| Dismissed | 1 | 2 |
| Discipline Imposed | 19 | - |
| Reinstatement Ordered | 0 | - |
| Original Jurisdiction--Denied | 0 | 0 |
| Original Jurisdiction--Granted | 0 | 1 |
| Certified Question Answered | 0 | 0 |
| Dispositions by Opinion | 166 | 89 |
| BY ORDER: | | |
| Dismissed | 32 | 26 |
| Dismissed After Conference | 19 | 10 |
| Original Jurisdiction--Denied | 11 | 5 |
| Original Jurisdiction--Granted | 0 | 0 |
| No Court Action Required | 1 | |
| Dispositions by Order | 63 | 41 |
| Total Dispositions for 2009 | 229 | 130 |

| Caseload Overview of North Dakota Courts for 2009 and 2007 | | | | |
|--|---------|---------|--------------|---------|
| Level of Court | Filings | | Dispositions | |
| | 2008 | 2009 | 2008 | 2009 |
| Supreme Court | 342 | 368 | 366 | 359 |
| District Court | 152,540 | 154,769 | 182,294 | 180,969 |

Public Outreach

The Supreme Court continued "taking the Court to the schools" by visiting Williston High School, Adams-Edmore Public School in Edmore, Dakota Prairie High School in Petersburg, the University of Mary and the University of North Dakota School of Law. One of the initiatives of the Court, under the leadership of Justice Mary Moring, is the Justices Teaching Institute. The third institute was held in October 2009 with social science teachers from the middle schools and high schools attending the two-day event taught by the five justices. The Court was also involved in the We The People program sponsored by the State Bar Association.



TWO-THOUSAND AND NINE

District Court Section

There are district court services in each of the state's 53 counties. North Dakota is a fully unified and consolidated court system and all district courts are supervised and funded by the state of North Dakota. The district courts have original and general jurisdiction in all cases except as otherwise provided by law. They have the authority to issue original and remedial writs. They have exclusive jurisdiction in criminal cases and have general jurisdiction for civil cases. There are 44 district judges in the state.

Information about the district courts is located at www.ndcourts.gov/court/Districts/Districts.htm.



Administrators Address Caseload Management

Caseload management is a critical component of court administration and promotes timely disposition of individual cases, equal treatment of all litigants, and public confidence in the courts. In 2009, the court administrators and judges in each unit addressed how cases are managed in their courts.

Unit 1 developed a Caseload Committee in the Northeast Central Judicial District with primary focus in Grand Forks County. Members include judges, attorneys, the clerk of court, and court administrator. The committee meets every eight weeks to discuss issues related to case management.

Court administrator Dennis Herbeck said as a result, new ideas and approaches to caseload have been developed. "Some issues cannot be easily resolved, but the fact that we have discussion keeps everyone alert to the role they play and how improvements might be made," he said. Another positive element is the ability for each group to weigh in and have a say about things that cause problems for them. Herbeck added, "as the saying goes 'it's not always the big things, but the little things that can cause a great deal of problems', and yes, it is easier to change the little things."

While 2009 was not a year of major caseload changes in Unit 2, it was a year of fine-tuning. One focus area was the caseload plan for Juvenile Court in the East Central Judicial District. Karen Kringlie, the Juvenile Court Director, worked with the Unit Administrator to redesign the referees' calendars to make better use of available court space and support staff in Cass County. This resulted in an every other week schedule where each referee is responsible for master calendar-type juvenile matters one week and juvenile trials, child support, and small claims hearings the opposite week. In addition, referees began traveling to Traill County to bring consistency to the juvenile court process there since this is an area of specialty for them.

A review of disposition rates for juvenile cases in the East Central Judicial District found that case closure rates were lower than industry standards. This finding led to a review of the types of cases assigned to referees in the district. In the past, referees were routinely assigned pre- and post-divorce motions. Because referees were handling the initial work on divorce cases, an attorney would sometimes argue a custody issue twice—once before the referee for the temporary order and then before the judge for the divorce judgment. The judges agreed that moving all divorce-related hearings back to their caseload would allow referees to resolve juvenile cases more quickly.

The court administrator and trial court manager also spent time observing court

proceedings during county visits. Suggestions were made to the local clerk of court on scheduling and clerk procedures for court days. Court Administrator Rod Olson said, "While bringing new sets of eyes to the process it also serves to bring some uniformity to procedures throughout the Unit. This process will continue throughout the next year."

Unit 3 Caseload changes and improvements during 2009 include a new calendar rotation in the South Central District which was developed for implementation in 2010. The old calendar rotation created too few criminal and civil trial weeks in which jury trials could be scheduled, causing unnecessary delays and problems getting trials back on the calendar if judges were forced to continue trials. Court Administrator Donna Wunderlich said the new rotation creates greater consistency and shorter time between dispositional conferences and trials. Also, master calendar time slots for dispositional conferences and preliminary hearings were expanded in Burleigh County to facilitate caseload and shorten time to trial. The South Central travel rotation to the rural counties was adjusted to better utilize judge time.

Semi-annual meetings with the state's attorneys, law enforcement, judges, and court administration are held to discuss problems with hearing schedules and to resolve caseload issues. As a result of these meetings, the time between initial appearance and dispositional conferences has been adjusted to shorten the time to trial. These meetings also resulted in the increased use of affidavits for probable cause findings, eliminating the need for law enforcement officers to be present in the courtroom.

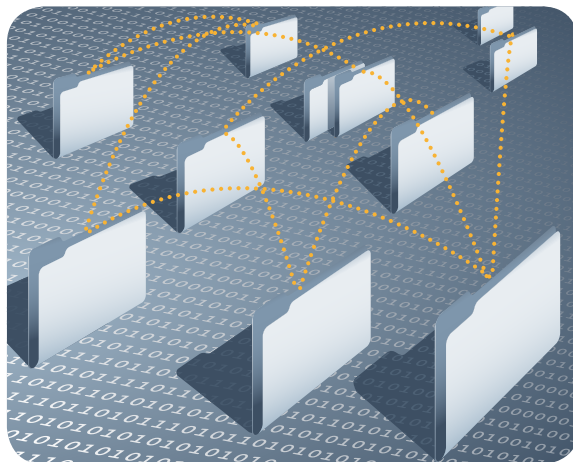
The decision to implement an individual calendar case assignment plan in Unit 4 in Ward County was made in early 2009. The individual calendar approach replaces the civil/criminal rotation method of assigning cases to judges which had been in effect since 2003.

This change was designed to facilitate a more equitable distribution of the caseload in Ward County. Additionally, it is hoped that going to an individual calendar system will enable judges to dispose of cases in compliance with the docket currency standards established by the North Dakota Supreme Court. Additionally, effective March 30, 2009, the caseload timeline on the felony scheduling order was changed from six weeks to two weeks from the motion reply deadline to the pre-trial conference date.

Court Administrator Carolyn Woolf said the court is sensitive to and recognizes the need for more in-depth planning as it pertains to more serious felonies and complex cases. In those situations, the court accommodates requests for additional time on a case by case basis.

The new case management system may also have an impact on caseload management in the future. Cass and Traill counties are the pilot counties for the new system. Caseload and dispositions reports available from the system are being tested.

"We are working with Tyler, the company that owns the software, to develop reports that will follow the National Center for State Courts' CourTools 2, 3, 4, and 5," said Olson. "This will allow all North Dakota counties to easily view case clearance and disposition rates."

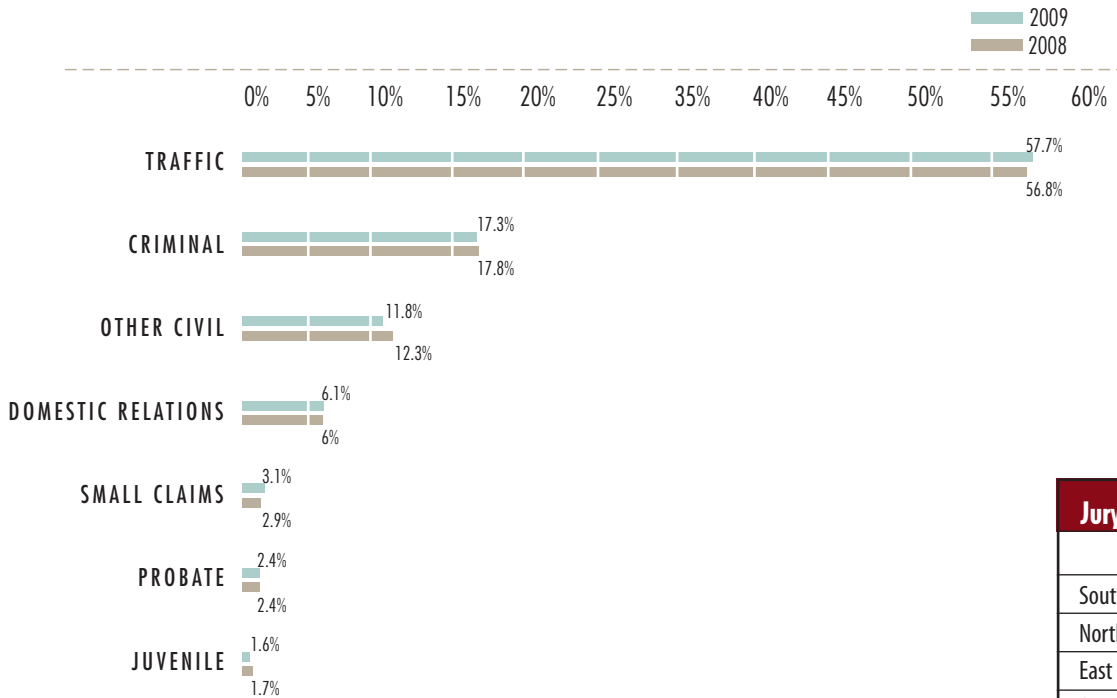


Caseload

Total District Court Caseload For calendar years 2009 & 2008

| CASE FILINGS/ DISPOSITIONS | 2009 | | | 2008 | | | 2009/2008 | |
|-------------------------------|----------------|---------------|----------------|----------------|---------------|----------------|----------------------|--------------------|
| | FILED | REOPEN | DISP. | FILED | REOPEN | DISP. | CHANGE IN FILINGS | CHANGE IN DISP. |
| Civil | 31,459 | 14,009 | 43,991 | 31,580 | 14,572 | 45,803 | -0.38% | -3.96% |
| Small Claims | 4,851 | 226 | 4,941 | 4,497 | 213 | 4,700 | 7.87% | 5.13% |
| Criminal | 26,735 | 14,263 | 39,199 | 27,201 | 12,761 | 39,712 | -1.71% | -1.29% |
| Traffic | 89,252 | 138 | 88,810 | 86,608 | 156 | 87,525 | 3.05% | 1.47% |
| Juvenile | 2,472 | 1,613 | 4,028 | 2,654 | 1,842 | 4,554 | -6.86% | -11.55% |
| Total | 154,769 | 30,249 | 180,969 | 152,540 | 29,544 | 182,294 | 1.46% | -0.73% |

Types of Cases Filed in District Court - 2009 & 2008



| Jury Trials for Judicial District for 2009 | |
|--|------------|
| District | 2009 |
| South Central | 116 |
| Northwest | 56 |
| East Central | 36 |
| Southeast | 25 |
| Northeast Central | 17 |
| Northeast | 13 |
| Southwest | 5 |
| Total | 268 |

*Based on jury trials paid

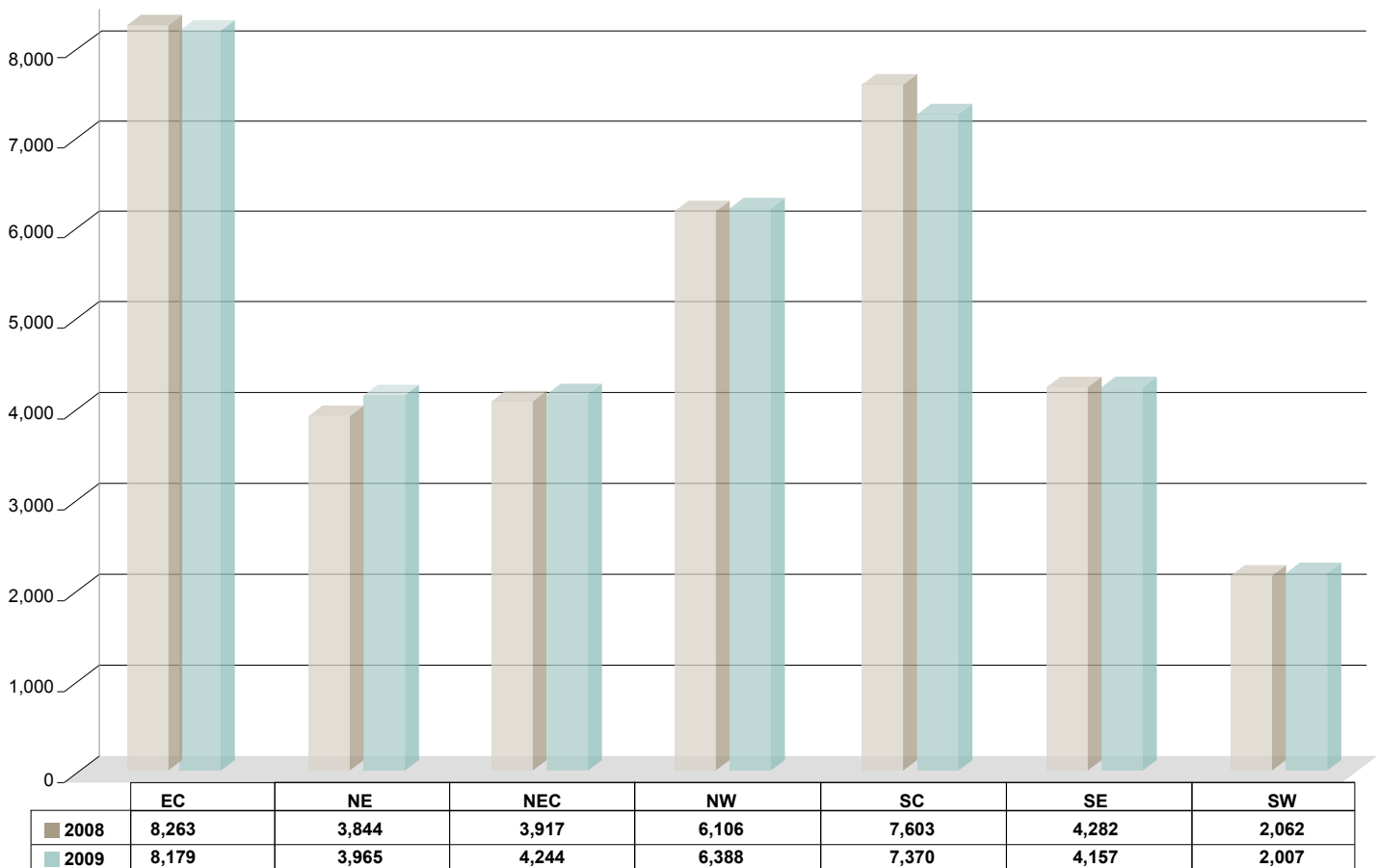
District Court Civil Caseload

Civil filing increased slightly (0.6%) in 2009 compared to 2008. Small claims cased increased by 8%, probate/guardian cases by 5% and domestic relation cases by 3%. Other civil cases decreased by 3% in 2009.

Contract/collection (74%) and civil commitment (7%) cases account for the majority of the 18,378 total other civil case types. Contract/collection cases decreased by 5% in 2009.

There were 9,406 domestic relations case filing in 2009, consisting of support proceedings (45%), divorce (23%), protection/restraining orders (17%), paternity (9%), adoption (3%), custody filings (2%) and voluntary termination of parental rights (less than 1%). Total divorce filings in 2009 were 2,205 compared to 2,160 in 2008. Support proceedings increased by 1% with 4,203 cases filed and protection/restraining order filings increased by 4% with 1,601 cases filed.

ND Civil Caseload for District Courts for 2008 and 2009



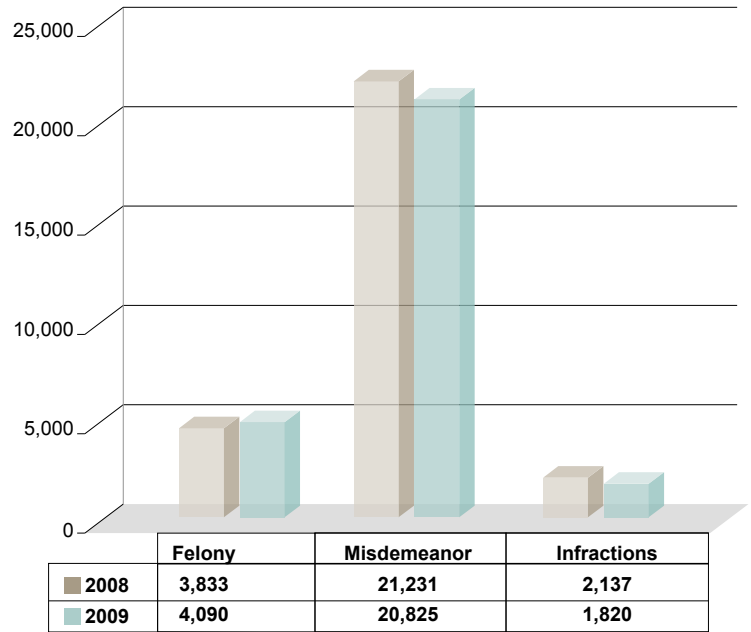
Criminal Caseload

Criminal filings decreased by 1.7% from 2008 to 2009. Felony filings increased by 6.7%, while infractions decreased by 14.8% and misdemeanors by 1.9%. Misdemeanors made up 78% of total criminal filings, felony 15%, and infractions 7%.

Administrative Traffic Case Processing

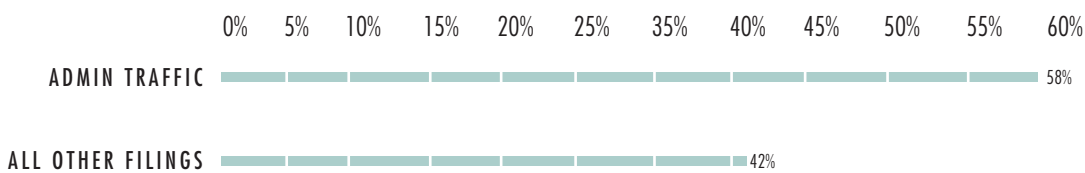
Administrative traffic filings increased by 2,644 (3%) from 2008 to 2009. These cases make up 58% of the overall caseload; however, they require little judicial involvement. The processing time required impacts court clerk personnel almost exclusively.

ND Criminal Caseload for District Court for 2008 and 2009



| Case Filings | 2008 | 2009 |
|-------------------|--------|--------|
| Admin. Traffic | 86,608 | 89,252 |
| Case Re-opens | 2008 | 2009 |
| Admin. Traffic | 156 | 138 |
| Case Dispositions | 2008 | 2009 |
| Admin. Traffic | 87,525 | 88,810 |

Total Cases Filed in District Court 2009 Including Administrative Traffic



Northwest Judicial District
Number of Counties: 6

Southwest Judicial District
Number of Counties: 8

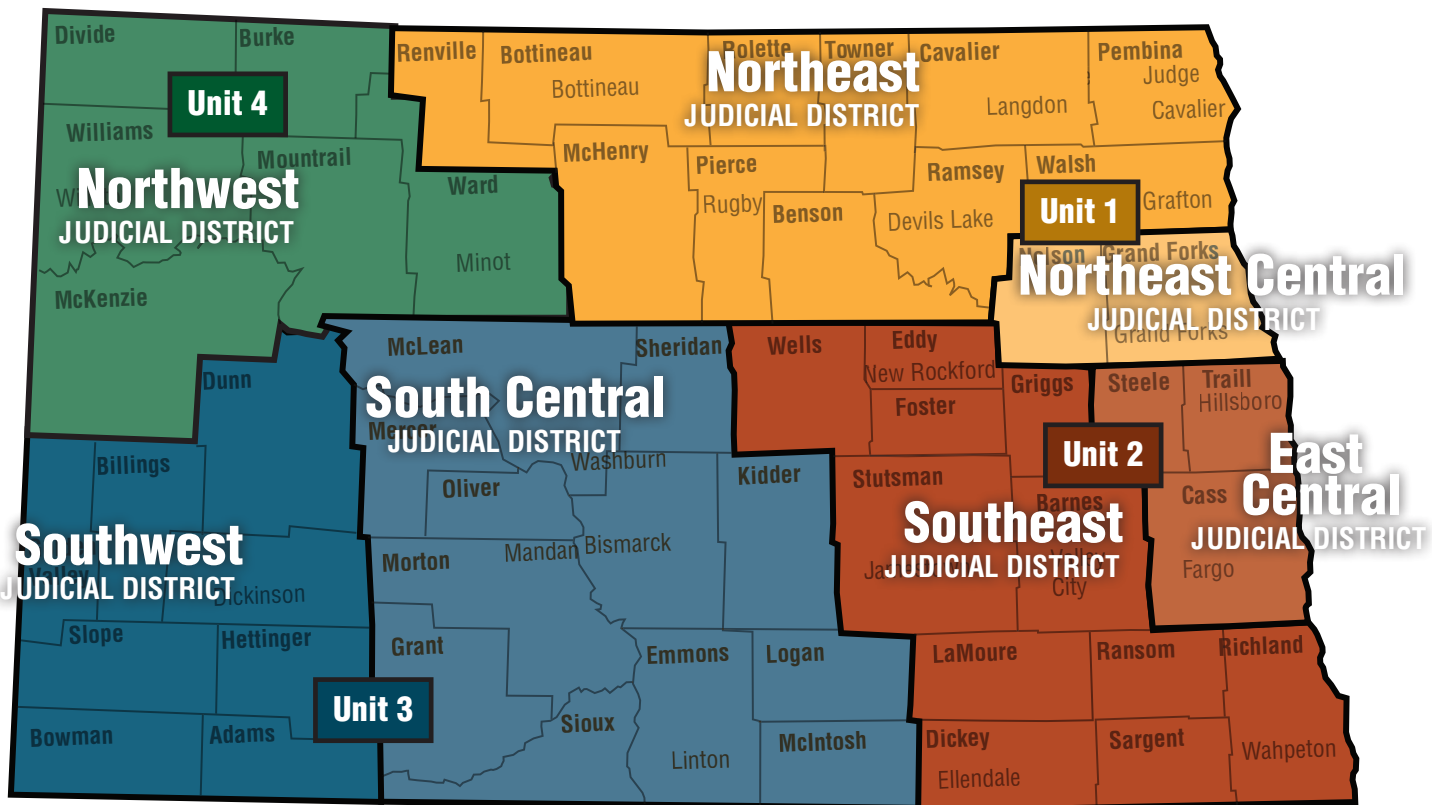
Northeast Judicial District
Number of Counties: 11

South Central Judicial District
Number of Counties: 12

Northeast Central Judicial District
Number of Counties: 2

Southeast Judicial District
Number of Counties: 11

East Central Judicial District
Number of Counties: 3



2009 Presiding Judges

- Northeast Judicial District - Judge Donovan Foughty
- Northeast Central Judicial District - Judge Joel Medd
- East Central Judicial District - Judge Georgia Dawson
- Southeast Judicial District - Judge John Paulson
- South Central Judicial District - Judge Gail Hagerty
- Southwest Judicial District - Judge William Herauf
- Northwest Judicial District - Judge William McLees

District Court Judges and Judicial Referees Serving in 2009

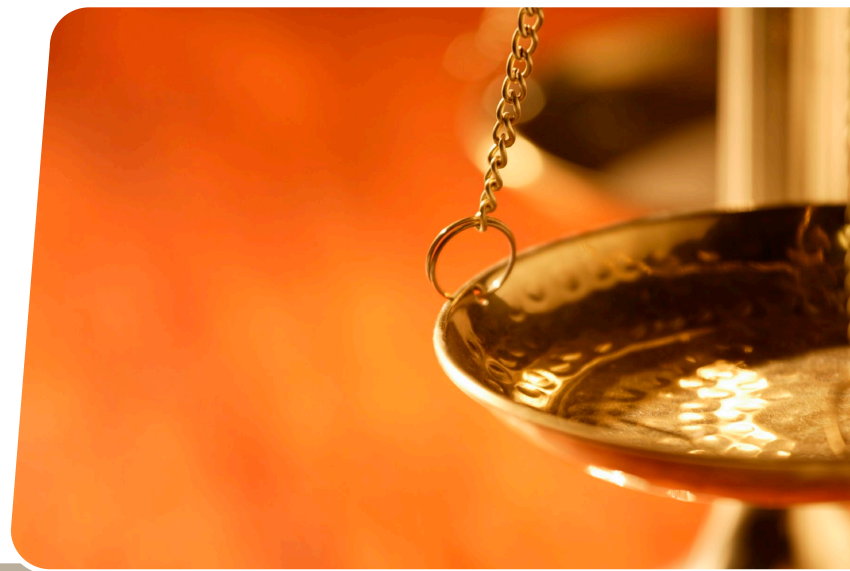
Judges:

- Sonna M. Anderson
- Zane Anderson
- James M. Bekken
- Karen K. Braaten
- Lee A. Christofferson
- Sonja Clapp
- Wickham Corwin
- Laurie A. Fontaine
- M. Richard Geiger
- John E. Greenwood
- Richard W. Grosz
- Richard L. Hagar
- Bruce B. Haskell
- Douglas R. Herman
- John C. Irby
- Lawrence E. Jahnke
- Donald L. Jorgensen
- Debbie G. Kleven
- Gary H. Lee
- Steven L. Marquart
- Douglas L. Mattson
- John C. McClintock, Jr.
- Steven E. McCullough

- Daniel D. Narum
- David W. Nelson
- Frank L. Racek
- David E. Reich
- Bruce A. Romanick
- Gerald H. Rustad
- Allan Schmalenberger
- Thomas J. Schneider
- Mikal Simonson
- Michael Sturdevant
- Wade L. Webb
- Robert O. Wefald
- H. Patrick Weir

Judicial Referees:

- Julie Boschee Buechler
- Harlan Dyrud
- Wayne D. Goter
- Scott Griffeth
- John Grinsteiner
- Connie Portscheller
- John Thelan
- Susan Thomas
- Dale A. Thompson
- David H. Vigeland



Northeast Judicial District

| Northeast Judicial District Court Caseload Calendar Years 2009 & 2008 | | | | | | | | |
|--|---------------|--------------|---------------|---------------|--------------|---------------|----------------------|--------------------|
| CASE FILINGS/ DISPOSITIONS | 2009 | | | 2008 | | | 2009/2008 | |
| | FILED | REOPEN | DISP. | FILED | REOPEN | DISP. | CHANGE IN FILINGS | CHANGE IN DISP. |
| Civil | 3,352 | 2,200 | 5,458 | 3,192 | 1,409 | 4,450 | 5.01% | 22.65% |
| Small Claims | 613 | 109 | 764 | 652 | 25 | 663 | -5.98% | 15.23% |
| Criminal | 3,438 | 3,040 | 5,880 | 3,439 | 1,090 | 4,650 | -0.03% | 26.45% |
| Traffic | 12,295 | 26 | 12,391 | 11,833 | 22 | 12,001 | 3.90% | 3.25% |
| Juvenile | 266 | 266 | 509 | 230 | 168 | 456 | 15.65% | 11.62% |
| Total | 19,964 | 5,641 | 25,002 | 19,346 | 2,714 | 22,220 | 3.19% | 12.52% |

Northeast Central Judicial District

| Northeast Central Judicial District Court Caseload Calendar Years 2009 & 2008 | | | | | | | | |
|--|---------------|--------------|---------------|---------------|--------------|---------------|----------------------|--------------------|
| CASE FILINGS/ DISPOSITIONS | 2009 | | | 2008 | | | 2009/2008 | |
| | FILED | REOPEN | DISP. | FILED | REOPEN | DISP. | CHANGE IN FILINGS | CHANGE IN DISP. |
| Civil | 3,374 | 1,935 | 5,269 | 3,259 | 2,063 | 5,291 | 3.53% | -0.42% |
| Small Claims | 870 | 10 | 785 | 658 | 13 | 663 | 32.22% | 18.40% |
| Criminal | 3,100 | 2,145 | 5,147 | 2,795 | 2,239 | 5,017 | 10.91% | 2.59% |
| Traffic | 10,595 | 12 | 10,490 | 10,184 | 12 | 10,323 | 4.04% | 1.62% |
| Juvenile | 379 | 435 | 781 | 477 | 351 | 850 | -20.55% | -8.12% |
| Total | 18,318 | 4,537 | 22,472 | 17,373 | 4,678 | 22,144 | 5.44% | 1.48% |

East Central Judicial District

| East Central Judicial District Court Caseload Calendar Years 2009 & 2008 | | | | | | | | |
|---|---------------|--------------|---------------|---------------|--------------|---------------|----------------------|--------------------|
| CASE FILINGS/ DISPOSITIONS | 2009 | | | 2008 | | | 2009/2008 | |
| | FILED | REOPEN | DISP. | FILED | REOPEN | DISP. | CHANGE IN FILINGS | CHANGE IN DISP. |
| Civil | 6,946 | 3,474 | 9,821 | 7,167 | 4,440 | 11,692 | -3.08% | -16.00 |
| Small Claims | 1,233 | 46 | 1,227 | 1,096 | 82 | 1,212 | 12.50% | 1.24% |
| Criminal | 5,077 | 1,025 | 5,803 | 5,536 | 1,357 | 6,972 | -8.29% | -16.77% |
| Traffic | 14,133 | 8 | 13,904 | 14,166 | 18 | 14,146 | -0.23% | -1.71% |
| Juvenile | 714 | 151 | 890 | 793 | 602 | 1,424 | -9.96% | -37.50% |
| Total | 28,103 | 4,704 | 31,645 | 28,758 | 6,499 | 35,446 | -2.28% | -10.72% |

Southeast Judicial District

| Southeast Judicial District Court Caseload Calendar Years 2009 & 2008 | | | | | | | | |
|--|---------------|--------------|---------------|---------------|--------------|---------------|----------------------|--------------------|
| CASE FILINGS/ DISPOSITIONS | 2009 | | | 2008 | | | 2009/2008 | |
| | FILED | REOPEN | DISP. | FILED | REOPEN | DISP. | CHANGE IN FILINGS | CHANGE IN DISP. |
| Civil | 3,550 | 1,332 | 4,979 | 3,691 | 1,501 | 5,349 | -3.82% | -6.92% |
| Small Claims | 607 | 14 | 605 | 591 | 28 | 605 | 2.71% | 0.00% |
| Criminal | 3,421 | 1,139 | 4,369 | 3,611 | 1,401 | 5,148 | -5.26% | -15.13% |
| Traffic | 10,521 | 20 | 10,503 | 12,062 | 27 | 12,203 | -12.78% | -13.93% |
| Juvenile | 152 | 80 | 254 | 207 | 108 | 314 | -26.57% | -19.11% |
| Total | 18,251 | 2,585 | 20,710 | 20,162 | 3,065 | 23,619 | -9.48% | -12.32% |

South Central Judicial District

| South Central Judicial District Court Caseload Calendar Years 2009 & 2008 | | | | | | | | |
|--|---------------|--------------|---------------|---------------|--------------|---------------|----------------------|--------------------|
| CASE FILINGS/ DISPOSITIONS | 2009 | | | 2008 | | | 2009/2008 | |
| | FILED | REOPEN | DISP. | FILED | REOPEN | DISP. | CHANGE IN FILINGS | CHANGE IN DISP. |
| Civil | 6,638 | 2,525 | 8,631 | 6,836 | 2,506 | 8,993 | -2.90% | -4.03% |
| Small Claims | 732 | 17 | 769 | 767 | 29 | 773 | -4.56% | -0.52% |
| Criminal | 5,119 | 2,438 | 7,562 | 5,313 | 2,874 | 7,891 | -3.65% | -4.17% |
| Traffic | 18,504 | 41 | 18,369 | 17,827 | 42 | 18,256 | 3.80% | 0.62% |
| Juvenile | 546 | 333 | 857 | 541 | 252 | 751 | 0.92% | 14.11% |
| Total | 31,539 | 5,354 | 36,188 | 31,284 | 5,703 | 36,664 | 0.82% | -1.30% |

Southwest Judicial District

| Southwest Judicial District Court Caseload Calendar Years 2009 & 2008 | | | | | | | | |
|--|---------------|--------------|---------------|---------------|--------------|---------------|----------------------|--------------------|
| CASE FILINGS/ DISPOSITIONS | 2009 | | | 2008 | | | 2009/2008 | |
| | FILED | REOPEN | DISP. | FILED | REOPEN | DISP. | CHANGE IN FILINGS | CHANGE IN DISP. |
| Civil | 1,812 | 675 | 2,496 | 1,864 | 647 | 2,578 | -2.79% | -3.18% |
| Small Claims | 195 | 9 | 202 | 198 | 6 | 203 | -1.52% | -0.49% |
| Criminal | 1,854 | 635 | 2,309 | 1,723 | 713 | 2,472 | 7.60% | -6.59% |
| Traffic | 8,857 | 10 | 8,742 | 6,931 | 4 | 6,994 | 27.79% | 24.99% |
| Juvenile | 88 | 72 | 159 | 91 | 91 | 185 | -3.30% | -14.05% |
| Total | 12,806 | 1,401 | 13,908 | 10,807 | 1,461 | 12,432 | 18.50% | 11.87% |

Northwest Judicial District

| Northwest Judicial District Court Caseload Calendar Years 2009 & 2008 | | | | | | | | |
|--|---------------|--------------|---------------|---------------|--------------|---------------|----------------------|--------------------|
| CASE FILINGS/ DISPOSITIONS | 2009 | | | 2008 | | | 2009/2008 | |
| | FILED | REOPEN | DISP. | FILED | REOPEN | DISP. | CHANGE IN FILINGS | CHANGE IN DISP. |
| Civil | 5,787 | 1,868 | 7,337 | 5,571 | 2,006 | 7,450 | 3.88% | -1.52% |
| Small Claims | 601 | 21 | 589 | 535 | 30 | 581 | 12.34% | 1.38% |
| Criminal | 4,726 | 3,841 | 8,129 | 4,784 | 3,087 | 7,562 | -1.21% | 7.50% |
| Traffic | 14,347 | 21 | 14,411 | 13,605 | 31 | 13,602 | 5.45% | 5.95% |
| Juvenile | 327 | 276 | 578 | 315 | 270 | 574 | 3.81% | 0.70% |
| Total | 25,788 | 6,027 | 31,044 | 24,810 | 5,424 | 29,769 | 3.94% | 4.28% |



TWO-THOUSAND AND NINE

Juvenile Court Section

Juvenile courts in North Dakota are a division of the District Court and have exclusive and original jurisdiction over any minor who is alleged to be unruly, delinquent, or deprived. Unlike a majority of other states, the responsibility for supervising and counseling juveniles who have been brought into court lies with the judicial branch of government in North Dakota. The court employs judicial referees who preside over juvenile and other cases assigned by the presiding judge in their district. Juvenile cases may also be heard by District Court judges.

The North Dakota Rules of Juvenile Procedures are located at
<http://www.ndcourts.gov/rules/juvenile/frameset.htm>.

Grant Used To Develop Performance Measures For Child Deprivation Cases

The State Court Administrative Office received a Court Improvement Data Collection and Analysis Grant for the purpose of establishing performance measures in the field of child welfare cases heard by the trial courts in North Dakota.

A Request for Proposal was released in June 2008. Kate Harrison Consulting was selected for the project. The focus of the project is to find out what kind of data is currently accessible, the reliability of that data, and what data is needed that is not being collected. A quality assurance program will also be developed to monitor the completeness and validity of the data being gathered and reported with respect to child welfare cases (deprivation and termination of parental rights).

The Court Improvement Project Committee adopted four areas of focus for performance measures as recommended by the consortium of National Center for State Courts, the National Council of Juvenile and Family Court Judges, and the American Bar Association: Safety, Permanency, Due Process, and Timeliness.

The consulting group has been working with the court's IT department, Juvenile Court Directors, and officials from the Department of Human Services to gather data and review processes to better understand what the data reflects.

The work has been ongoing since July 2008. An interim report was presented in 2009 and the initial project will conclude in June 2010.

North Dakota Juvenile Drug Court Program Continues to Grow

The highlight of 2009 was the Upper Midwest Drug Court Conference held in October in Mandan. It was a huge success with over 100 attendees. Governor John Hoeven and Justice Mary Muehlen Maring welcomed the attendees and presentations were made by nationally known drug court professionals.

Team members from six juvenile drug courts, five adult drug courts, a Back on Track (college drug court at North Dakota State University), a tribal court from the Turtle Mountain Alternative Court, and an adult DUI/DWI court from Pierre, S.D., were in attendance. A closing panel of past drug court graduates and a former participant ended the conference by describing their struggles and successes in reaching sobriety.

There are currently five adult drug courts operating in Bismarck, Minot, Grand Forks, and two in Fargo.

Devils Lake opened the doors to a juvenile drug court in March, 2009. They join five other courts located in Williston, Minot, Bismarck, Grand Forks, and Fargo.

Following is the state data for the juvenile drug courts.

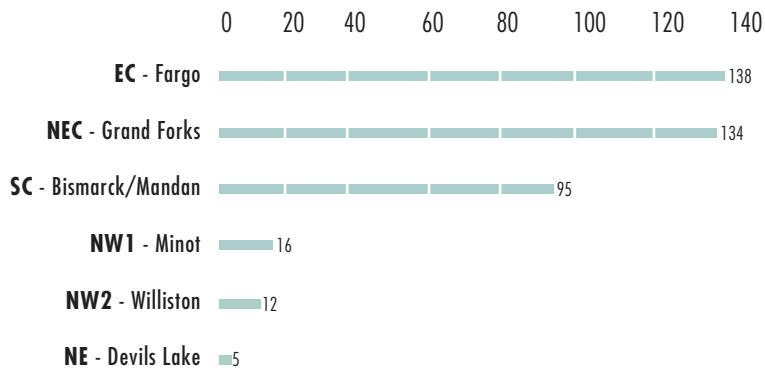
Statewide Data

- 400 juveniles have entered the drug court programs since May 2000.
- 169 have successfully graduated from the drug court programs since May 2000.
- 72 juveniles entered the program in 2009
- There were 27 active participants on Dec. 31, 2009.
- Participants completed a total of 2,840 community service hours in 2009.
- 39% of the participants were terminated from the program because of noncompliance and further offenses during 2009.
- Average age at entry in 2009 is 15.7 years.

Data on adult drug courts can be obtained through the North Dakota Department of Corrections.



North Dakota Juvenile Drug Court Participants By Court Since May 2000



Individual Court Statistics and Information for 2009

Unit 1

Juvenile Drug Court Highlights

- Hon. Karen Braaten presides over the drug court proceedings in Grand Forks.
- Seventeen juveniles entered the program.
- There were three graduations and six terminations.
- There are currently seven participants.
- Participants completed 736 hours of community service.
- Hon. Donovan Foughty presides over the drug court proceedings in Devils Lake.
- Five juveniles entered the program.
- There were three terminations and no graduations.
- There are currently two participants.
- Participants completed 41 hours of community service.

Unit 2

Juvenile Drug Court Highlights

- Hon. Wade Webb presides over the drug court proceedings in Fargo.
- Eighteen participants entered the drug court program.
- Six graduated and six were terminated.
- There are currently six participants.
- Participants completed 832.50 hours of community service.

Unit 3

Juvenile Drug Court Highlights

- Referee John Grinsteiner presides over the drug court proceedings in Bismarck.
- Sixteen participants entered the drug court program.
- Four graduated and seven were terminated from the program.
- There are currently six participants.
- Participants completed 779.75 hours of community service.

Unit 4

Juvenile Drug Court Highlights

- Hon. Doug Mattson presides over the drug court proceedings in Minot.
- There were seven participants in the drug court program.
- There were two graduations and three terminations.
- There are currently two participants
- Participants completed 310.25 hours of community service.
- Hon. David Nelson presides over the drug court proceedings in Williston.
- Eight participants entered the drug court program.
- There was one graduation and four terminations.
- There are currently three active participants.
- Williston's drug court participants completed 140 hours of community service.

Juvenile Caseload Data

The 2009 data shows a decrease in juvenile offenses. Overall referrals show a decrease of 4%, after decreasing 6% from 2007 to 2008. As with the district court criminal caseload, the low violent crime rate in North Dakota is reflected in the juvenile court statistics. Offenses against persons made up 7% of the juvenile court caseload, while status offenses (offenses which only a child can commit) made up 38% of the caseload. Property offenses comprise 22%, deprivation 9%,

traffic offenses 5%, and other delinquency 34%.

This year's caseload information is based on primary charges filed rather than total offenses as in years past. Therefore historical data for case dispositions is not included in this report. Based on primary charges, almost 40% of juvenile charges were disposed of through the informal adjustment process. Only 12% of juvenile charges were processed through a formal petition.

Juvenile Caseload by Primary Charge

| Judicial District | Diversion | Informal Adjustment | Formal Petition | Lack of Jurisdiction | Declined Prosecution | 2009 Total |
|-------------------------|--------------|---------------------|-----------------|----------------------|----------------------|--------------|
| East Central | 337 | 644 | 323 | 3 | 716 | 2,023 |
| Northeast | 73 | 381 | 73 | 0 | 219 | 746 |
| NE Central | 46 | 419 | 123 | 0 | 161 | 749 |
| Northwest | 211 | 545 | 99 | 0 | 396 | 1,251 |
| South Central | 745 | 476 | 227 | 6 | 554 | 2,008 |
| Southeast | 106 | 501 | 70 | 2 | 124 | 803 |
| Southwest | 50 | 132 | 31 | 3 | 146 | 362 |
| TOTAL | 1,568 | 3,098 | 946 | 14 | 2,316 | 7,942 |
| Percent of total | 20% | 39% | 12% | 0% | 29% | |

* Cases that are referred to the juvenile court are processed in one of five ways:

1. Diversion - referred to a private agency or program.
2. Informal adjustment - juvenile court intervention with no formal charge or conviction entered.
3. Formal - charges are filed in the district court and the case proceeds through the court system.
4. Lack of jurisdiction – due to either a lack of statutory authority over the person or the subject matter context of the case, no action is taken on the referral.
5. Declined prosecution – the State's Attorney's office declines to file charges after receiving a referral.

Reasons for Referral to Juvenile Court Services in 2008 and 2009

| FAMILY | | 2008 | 2009 | % Change | % of Total |
|--------------------|--|--------------|--------------|------------|------------|
| | Runaway (instate resident) | 519 | 494 | | |
| | Runaway (out-of-state resident) | 11 | 7 | | |
| | Truancy | 231 | 267 | | |
| | Ungovernable Behavior | 695 | 606 | | |
| | Curfew | 306 | 329 | | |
| | Other Unruly | 17 | 6 | | |
| | | 1,779 | 1,709 | -4% | 21% |
| DELINQUENCY | | | | | |
| | Offenses Against Persons: | | | | |
| | Assault | 387 | 399 | | |
| | Terrorizing-Stalking-Menacing | 107 | 93 | | |
| | Homicide (negligent) | - | - | | |
| | Kidnapping | - | - | | |
| | Other Offenses Against Persons | 4 | 7 | | |
| | Sex Offenses | 71 | 63 | | |
| | | 569 | 562 | -1% | 7% |
| | Offenses Against Property: | | | | |
| | Arson/Fire Related | 11 | 9 | | |
| | Burglary | 158 | 165 | | |
| | Criminal Mischief/Vandalism | 333 | 340 | | |
| | Criminal Trespass | 111 | 127 | | |
| | Forgery | 6 | 13 | | |
| | Other Property Offenses | 37 | 27 | | |
| | Possession of Stolen Property | 41 | 43 | | |
| | Robbery | - | 3 | | |
| | Shoplifting | 416 | 488 | | |
| | Theft | 684 | 571 | | |
| | | 1,797 | 1,786 | -1% | 22% |
| | Traffic Offenses: | | | | |
| | DUI/Physical Control | 93 | 80 | | |
| | Driving without License | 120 | 130 | | |
| | Other Traffic | 164 | 168 | | |
| | | 377 | 378 | 0% | 5% |
| | Other Offenses: | | | | |
| | Check Offenses | 19 | 9 | | |
| | City Ordinances | 34 | 44 | | |
| | Disorderly Conduct | 669 | 657 | | |
| | Weapons | 39 | 31 | | |
| | Game and Fish | 45 | 37 | | |
| | Obstruction | 1 | 2 | | |
| | Other Public Order | 207 | 182 | | |
| | Possession/Purchase Alcohol | 1,453 | 1,251 | | |
| | Controlled Substance - Possession | 439 | 474 | | |
| | Controlled Substance - Delivery | 19 | 17 | | |
| | Tobacco | 35 | 36 | | |
| | | 2,960 | 2,740 | -7% | 34% |
| | Total Delinquency | 5,703 | 5,466 | -4% | 69% |
| DEPRIVATION | | | | | |
| | Abandonment | - | - | | |
| | Abuse/Neglect | 7 | 9 | | |
| | Deprived | 781 | 712 | | |
| | | 788 | 721 | -9% | 9% |
| SPECIAL PROCEEDING | | | | | |
| | Termination of Parental Rights (Involuntary) | 37 | 45 | | |
| | Termination of Parental Rights (Voluntary) | 23 | 22 | | |
| | Other Special Proceeding | 3 | 2 | | |
| | | 63 | 69 | 10% | 1% |
| TOTAL | | 8,333 | 7,965 | -4% | |

TWO-THOUSAND AND NINE

Court Administration Section



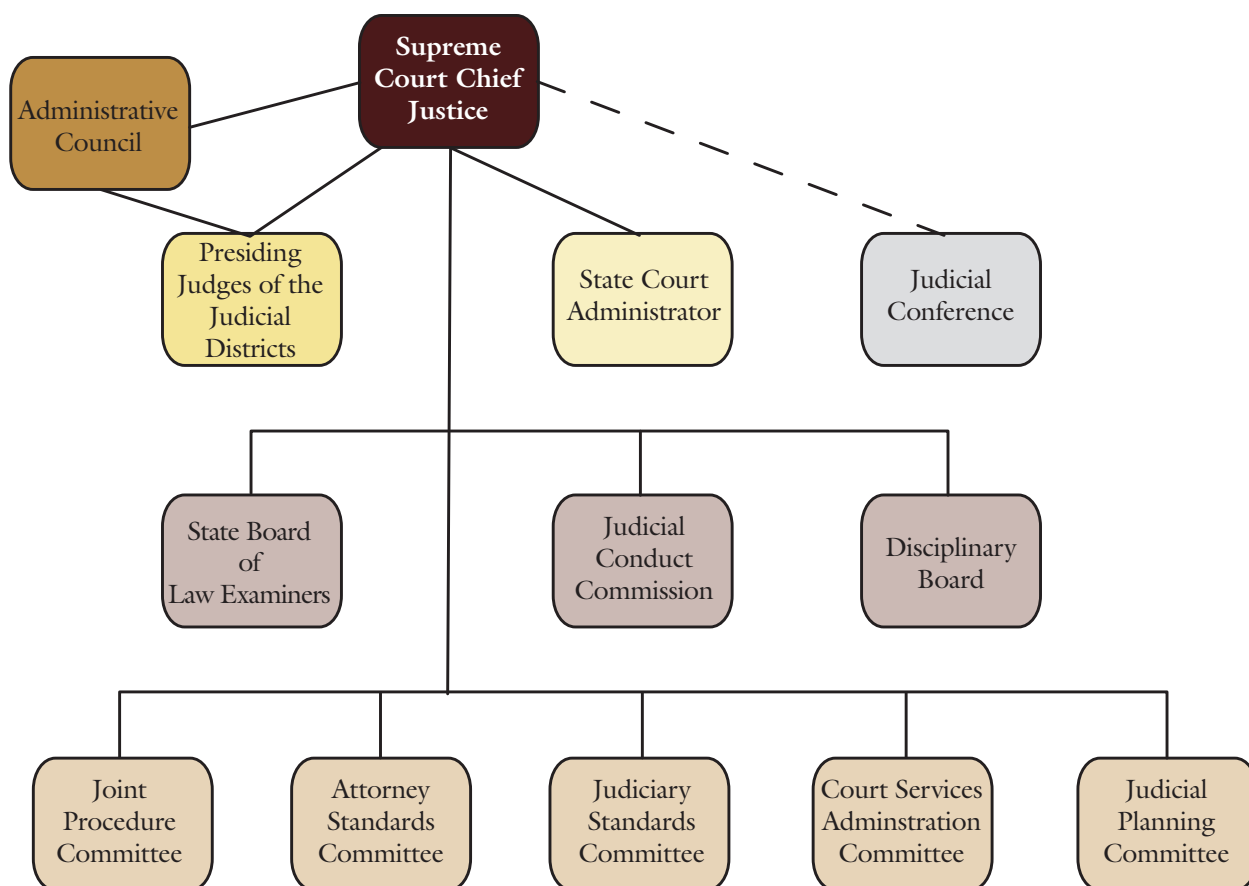
Administration of the Judicial System

Ultimate responsibility for the efficient and effective operation of the judicial system resides with the Supreme Court. The Constitution establishes the Chief Justice's administrative responsibility for the judicial system. In addition, the state constitution also grants the Supreme Court supervisory authority over the legal profession. Article VI, Section 3, states that the Supreme Court shall have

the authority, "unless otherwise provided by law, to promulgate rules and regulations for the admission to practice, conduct, disciplining, and disbarment of attorneys at law."

To help it fulfill these administrative and supervisory responsibilities, the Supreme Court relies upon the state court administrator, Supreme Court clerk, directors, staff attorneys, presiding judges, and various advisory committees, commissions, and boards.

Administrative Organization of the North Dakota Judicial System



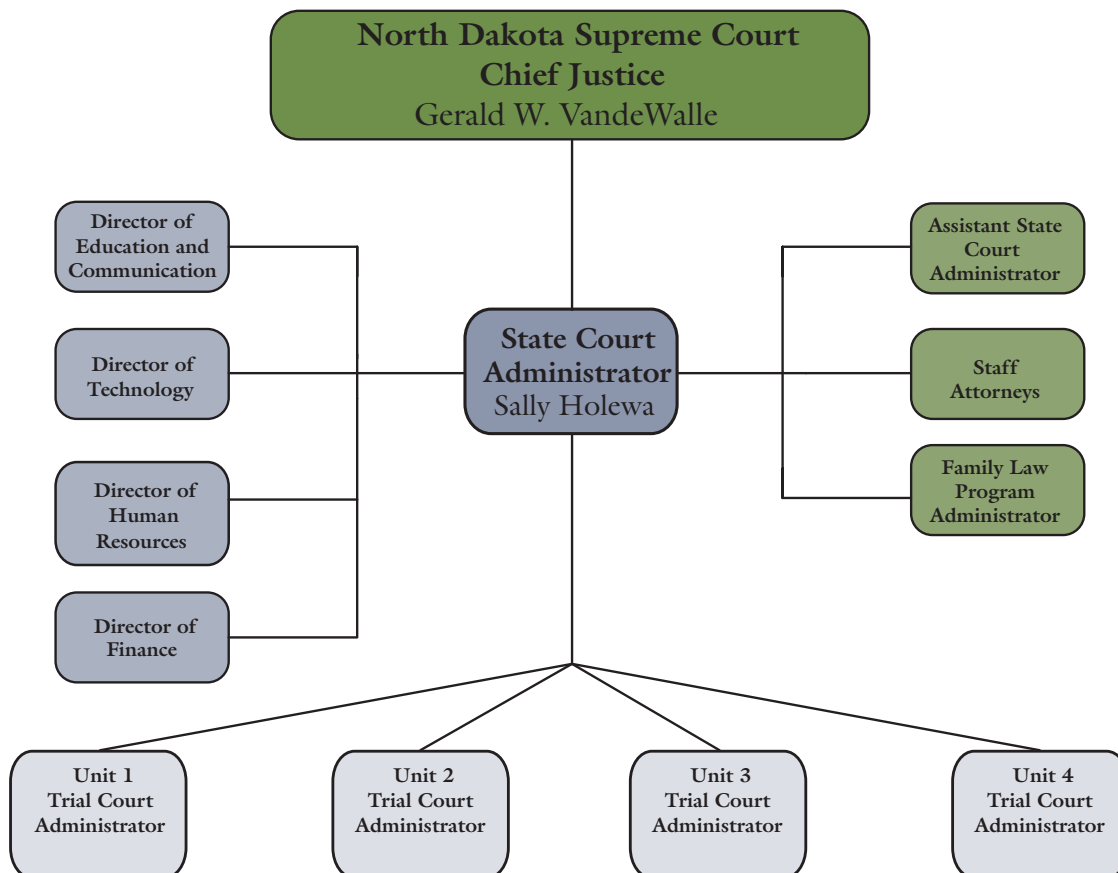
Office of State Court Administrator

Article VI, Section 3, of the North Dakota Constitution authorizes the chief justice of the Supreme Court to appoint a court administrator for the unified judicial system. Pursuant to this constitutional authority, the Supreme Court has outlined the powers, duties, qualifications, and term of the state court administrator in an administrative rule. The duties delegated to the state court administrator include assisting the Supreme Court in the preparation and administration of the judicial budget, providing for judicial education services,

coordinating technical assistance to all levels of courts, planning for statewide judicial needs, and administering a personnel system. The Assistant State Court Administrator for Trial Courts and trial court administrators in each unit assists the state court administrator. Also assisting are directors and personnel who work in finance, general counsel, human resources, technology, and judicial education.

A directory for the State Court Administrator's Office can be found at www.ndcourts.gov/court/email/frAdmin.htm.

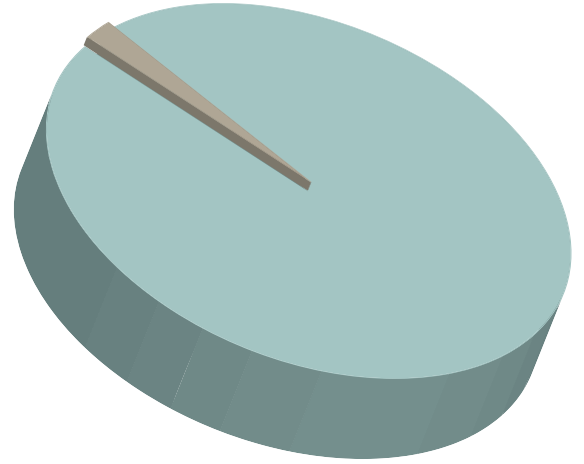
North Dakota Administrative Office of the Court



Judicial Portion of the State Budget 2009-11 Biennium

Total State General and Special Funds Appropriation
\$6,477,489,040

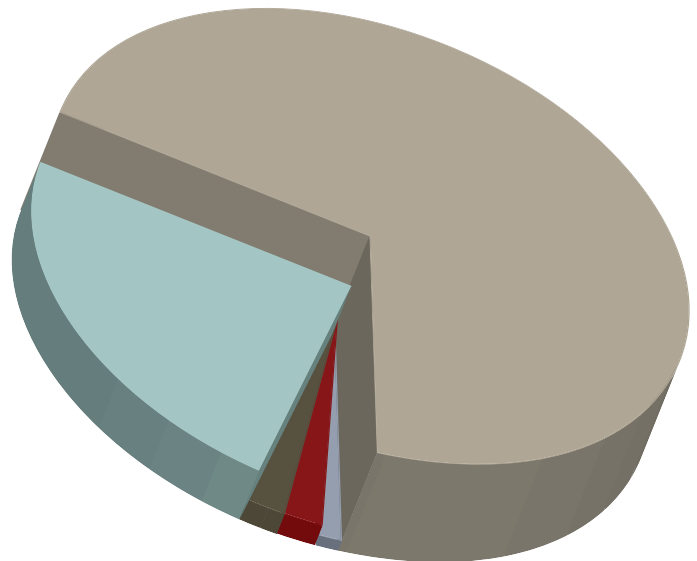
| | |
|--|------------------------------|
| Executive And Legislative Branch General And Special Funds Appropriation | \$8,763,640,043 (99%) |
| Judicial Branch General and Special Funds Appropriation | \$84,634,822 (1%) |



State Judicial Branch Appropriation by Appropriated Line Item 2009-11 Biennium

Total Judicial Branch General and Special Funds Appropriation
\$84,634,822

| | |
|-----------------------|-----------------------------|
| Salaries and Benefits | \$57,130,251 (67.5%) |
| Operating Expenses | \$22,823,698 (27.0%) |
| Mediation | \$ 792,036 (0.9%) |
| Capital Assets | \$ 2,314,482 (2.7%) |
| Special Purposes | \$1,574,355 (1.9%) |



STATE JUDICIAL BRANCH APPROPRIATION BY TYPE OF ACTIVITY 2009-2011 BIENNIUM

Supreme Court

| | |
|---------------|----------------------------|
| General Fund | \$ 10,526,942 |
| Special Funds | - |
| TOTAL | \$ 10,526,942 (12%) |




District Courts

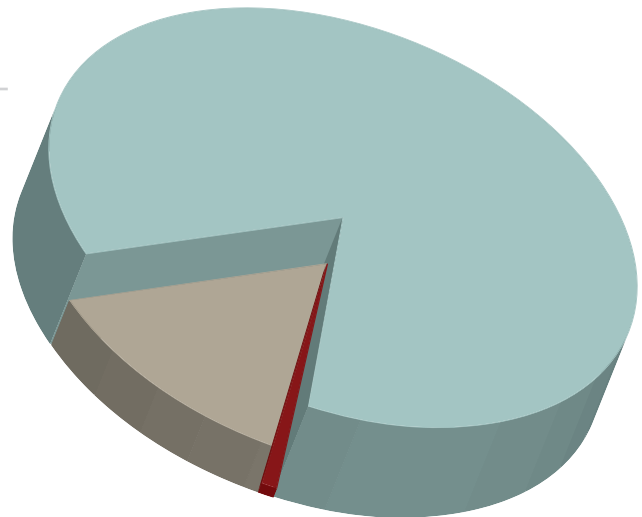
| | |
|---------------|---------------------------|
| General Fund | \$71,563,790 |
| Federal Funds | 1,730,461 |
| TOTAL | \$73,294,251 (87%) |

Judicial Conduct Commission & Disciplinary Board

| | |
|---------------|------------------------|
| General Fund | \$ 499,283 |
| Special Funds | 314,346 |
| TOTAL | \$ 813,629 (1%) |



| | | |
|---|--|--------------------|
|  | Supreme Court | \$10,526,942 (12%) |
|  | District Courts | \$73,294,251 (87%) |
|  | Judicial Conduct Commission & Disciplinary Board | \$813,629 (1%) |



TWO-THOUSAND AND NINE

Committee Section

In the North Dakota Judicial Branch, a system of committees, commissions, and councils has been established to develop new ideas and evaluate proposals for improving public services and to recommend policy and best practices for the judicial system. Citizens, legislators, lawyers, district court judges, municipal court judges, court personnel and members of the Supreme Court serve on these committees.

Committee agendas and minutes are at www.ndcourts.gov/committees/committees.htm

2009 Committee Highlights

Court Improvement Project

Chair – Judge Sonja Clapp

- Continued sponsoring training and education programs including the ICWA Conference, Regional Child Welfare Workshops, and several opportunities for attorneys and judges to attend training.
- Worked with a consulting firm to establish performance measures in the areas of safety, permanency, due process, and timeliness.
- Guardian ad Litem sub-committee addressed the recommendations of the 2008 program evaluation and forwarded a report to Court Services Committee.
- ICWA subcommittee proposed an internal audit process to evaluate the level of compliance with the Indian Child Welfare Act.

Joint Procedure

Chair – Justice Mary Muehlen Maring

- Proposed amendments to N.D.R.Ct. 3.4, Privacy Protection for Filings Made With the Court, and N.D. Sup. Ct. Admin. R. 41, Access to Court Records which become effective on March 1, 2010. <http://www.ndcourts.gov/rules/NDROC/frameset.htm> and <http://www.ndcourts.gov/rules/Administrative/frameset.htm>.
- Proposed amendments to the North Dakota Rules of Juvenile Procedure, which become effective on March 1, 2010.
- Made form and style revisions to the North Dakota Rules of Civil Procedure. The amendments are based on the federal form and style amendments, which became effective on Dec. 1, 2007. The Committee will submit the proposed amendments to the Supreme Court in 2010.

Judicial Branch Education

Chair – Justice Mary Muehlen Maring

- Selected as one of three states nationwide to work with the National Center for State Courts to develop, present, and evaluate judicial education curriculum on unintended bias.
- Tested and implement an on-line learning management system for registering and tracking continuing education hours.

Judicial Planning

Chair – Justice Carol Ronning Kapsner

- Identified areas of concern for the court system: access to judicial services, court facilities, technology and privacy, judicial selection, respect for the rule of law and the judicial system, aging communities' need for access to judicial services, adequacy of information and education about the courts and the judicial process, and duties and structure of the courts.
- Formulated mission and vision statements.

Jury Standards

Chair – Judge Joel Medd

- Initiatives involving updating jury selection and pay were enacted by the 2009 legislature. Jury selection is now computerized and juror pay is increased.
- Discussion began on the issue of electronic access for jurors and potential jurors. This involves the potential problem of juror access to the internet, cell phones and wireless devices.

Juvenile Policy Board

Chair – Judge William Herauf

- Proposed Rules of Procedure for juvenile cases adopted by the Supreme Court effective March 1, 2010.
- Juvenile Directors completed audits throughout the state.
- Instituted a Director Swap Project where Juvenile Directors worked a day in another unit office to experience how other units operate.

Personnel Policy Board

Chair – Judge Richard Geiger

- Recommended a market pay grade exception for Court Reporters. The Supreme Court adopted the recommendation.
- Recommended developing a task force on court reporters. The Supreme Court forwarded the recommendation to Administrative Council who adopted the recommendation.
- Recommended changes to the Leave Policy, Employee Compensation and Administrative Rule 33. The Supreme Court adopted changes to the Leave Policy and Administrative Rule 33.
- Initiated revisions to the personnel policies of the administrative policy manual. The review addresses substantive and style revisions.

Judicial Conduct Commission

The Judicial Conduct Commission was established in 1975 to receive, evaluate, and investigate complaints against any judge in the state and, when necessary, conduct hearings concerning the discipline, removal or retirement of any judge. The Commission consists of four non-lawyers, two judges, and one lawyer.

More information about the Commission is located at http://www.ndcourts.gov/court/committees/Jud_Cond/Commission.asp.

Of the new complaints filed in 2009:

- 37 were against 26 District Court Judges
- 2 were against 1 Judicial Referee
- 11 were against 5 Supreme Court Justices
- 1 was against a non-Judge

Disciplinary Board

The Disciplinary Board was established in 1965 to provide a procedure for investigating, evaluating, and acting upon complaints alleging unethical conduct by attorneys licensed in North Dakota. The Rules of Professional Conduct are the primary guide for lawyer conduct, and the North Dakota Rules for Lawyer Discipline provide the procedural framework for the handling and disposition of complaints.

The Disciplinary Board has 10 members—three non-lawyer members and seven lawyers. The non-lawyer members are appointed from around the state by the Supreme Court from a list submitted by the State Bar Association, the Attorney General, and the North Dakota Judges Association. One lawyer member is appointed by the Supreme Court from each of the seven judicial districts. All members are unpaid volunteers. Nicholas Hall of Grafton served as the Chair of the Board in 2009.

More information about how the board processes complaints can be found at http://www.ndcourts.gov/court/committees/disc_brd/Information.htm.

Following is a summary of complaint files under consideration in 2009.

| Disciplinary Board Data | |
|---|---------------|
| New Complaint Files Opened in 2009 | 151 |
| General Nature of Complaints: | |
| Client Funds & Property | 8 |
| Conflict of Interest | 3 |
| Criminal Convictions | 1 |
| Disability/Incapacity to Practice Law | 0 |
| Excessive Fees | 6 |
| Failure to Communicate/Cooperate with Client | 5 |
| Improper Conduct | 76 |
| Incompetent Representation | 27 |
| Misappropriation/Fraud | 4 |
| Neglect/Delay | 16 |
| Petition for Reinstatement | 0 |
| Unauthorized Practice of Law | 2 |
| Reciprocal Discipline | 3 |
| TOTAL | 151 |
| Formal Proceedings Pending From Prior Years | 41 |
| Other Complaint Files Pending From Prior Years | 133 |
| Appeals Filed with Disciplinary Board in 2009 | 19 |
| Appeals Filed with Supreme Court in 2009 | 0 |
| Total Filed for Consideration in 2009 | 344 |
| Disposition of Complaint Files: | |
| Dismissed by Inquiry Committees | 104 |
| Dismissed Without Prejudice by Inquiry Committees | 0 |
| Summary Dismissals by Inquiry Committees | 40 |
| Admonitions Issued by Inquiry Committees | 10 |
| Consent Probation by Inquiry Committees | 2 |
| Referred to Lawyer Assistance Program By Inquiry Committee or Hearing Panel | 3 |
| Disciplinary Board Approves IC Dismissal | 37 |
| Disciplinary Board Disapproves IC Disposition | 0 |
| Disciplinary Board Approves IC Admonition | 2 |
| Disciplinary Board Approves Consent Probation | 0 |
| Dismissal by Hearing Panel | 2 |
| Reprimand by Hearing Panel | 6 |
| Reprimand by Supreme Court | 0 |
| Reinstatement by Supreme Court | 0 |
| Suspensions by Supreme Court | *9 |
| Disbarments by Supreme Court | **9 |
| Transfer to Disability Status by Supreme Court | 0 |
| Interim Suspensions by Supreme Court | 1 |
| Formal Proceedings Pending 12/31/09 | 38 |
| Other Complaint Files Pending 12/31/09 | 85 |
| TOTAL | ***349 |

*9 files resulted in suspension of 7 attorneys

**9 files resulted in disbarment of 2 attorneys

***Number includes referral to the Lawyer Assistance Program in 3 files, and 1 interim suspension by the Supreme Court

State Board of Law Examiners

The State Board of Law Examiners assists the Supreme Court in its constitutional responsibility to regulate the admission to practice law.

Of the 115 attorneys admitted in 2009, 65 were by bar examination; 22 by achieving a 150 scaled score on the Multistate Bar Examination and admission in another state; and 28 by having the requisite years of practice in another state.

Continuing a trend, in 2009 the Board in its licensing capacity issued 2,052 licenses, the highest number ever issued in North Dakota.

As a part of its responsibilities, the Board monitors the pro hac vice admission of attorneys who are not licensed in North Dakota. During 2009, 162 nonresident attorneys appeared in North Dakota courts under Rule 3, Admission to

Practice Rules. <http://www.ndcourts.gov/rules/Admission/frameset.htm>.

At the end of 2009, after considerable study, the Board voted to recommend that the Supreme Court adopt the Uniform Bar Examination (UBE) as the state's bar examination. The components of the examination will remain the Multistate Bar Examination, the Multistate Performance Test and the Multistate Essay Examination. The UBE is designed to be consistent across jurisdictions that opt to use it, and allows for more portability of the examination score. The Board has recommended to the Court that the UBE be used in 2011.

In 2009, Board members were Mark L. Stenehjem of the Williston Law firm of McKennett, Stenehjem, Forsberg & Hermanson; Paul F. Richard of MeritCare Health System in Fargo; and Alice R. Senechal of the Robert Vogel Law Office in Grand Forks.

| Passage Rate Passage rates for the February and July 2009 North Dakota Bar Examinations | | | | |
|---|---------|-------------------|----------------|-------------------|
| Exam | # Apps. | # Pass/ % Pass | # UND Grads | # Pass/ % Pass |
| 02/09 | 17 | 11/65% | 12 | 7/58% |
| 07/09 | 62 | 52/84% | 46 | 40/87% |

